



Physician Certificate to Recommend Medical Marijuana and Petition for Added Qualifying Condition

Summary

Overview

The State Medical Board of Ohio is tasked with developing rules that will regulate the issuance of certificates to physicians wishing to be able to recommend medical marijuana for their patients. The Medical Board is also responsible for establishing the procedure for adding conditions or diseases which may qualify patients for the state's Medical Marijuana Control Program.

The primary focus of the rules is to develop a program that balances access for patients with patient safety. The draft rules presented to the Medical Marijuana Advisory Committee were developed after benchmarking with other states, talking with Ohio physicians and talking with patient advocates. The draft rules closely follow established procedures and standards for obtaining and maintaining an Ohio Medical license.

Highlights

- **Eligibility for Certificate to Recommend (CTR) Medical Marijuana:** Physicians must have an active and unrestricted license to practice medicine and surgery or osteopathic medicine and surgery (MD/DO); completion of 2-hour medical marijuana CME; OARRS registration; DEA registration; no prior action from the DEA or state licensing board based on inappropriate prescribing (this mirrors the Board's pain clinic regulation rules). In addition, the physician may not have any ownership interest in or compensation agreement with another medical marijuana entity.
- **Application and Renewal of Certificate to Recommend:** The application and renewal for CTR follows the Medical Board's current licensure processes with no additional fee and no separate background check. CTRs will be renewed on the same schedule as the holder's medical license.
- **Standard of Care:** To recommend medical marijuana, physicians shall establish and maintain a bona fide physician patient relationship that is established in an in-person visit. Recommending physicians are expected to provide care to the patient on an ongoing basis.
 - For a diagnosis of a qualifying condition, medical records will need to include: documented review of prior treatment and the patient's response to the treatment; documented review of the patient's current medication to identify possible drug interactions (if indicated, physician may require patient to provide a drug screen); perform physical examination relevant to the patient's current medical conditions; diagnosis of the patient's condition or confirmation of diagnosis made by another Ohio licensed physician (based on Board's chronic pain rules).



- Once a patient is diagnosed with a qualifying medical condition, the physician shall document the following when recommending treatment with medical marijuana: treatment plan; review of 12-month OARRS report; discussion with patient regarding any indicators of possible abuse or diversion of controlled substances as reflected in OARRS report; explanation of risks and benefits of treatment with medical marijuana and the physician's opinion that the benefits of medical marijuana outweigh the risks; consent from patient (or patient's parent/legal representative); name of caregiver if applicable.
- **Annual Report:** The physician must submit an annual report to the medical board regarding the effectiveness of medical marijuana in treating patients.
- **Petition to Request Additional Qualifying Condition or Disease:** Petitions will include information from experts who specialize in the study of the disease or condition; relevant medical or scientific evidence pertaining to the disease or condition; evidence that conventional medical therapies are insufficient to treat or alleviate the disease or condition; evidence supporting the use of medical marijuana to treat or alleviate the disease or condition; letters of support provided by physicians with knowledge of the disease or condition. The board shall review the petitions and supporting material and issue a written decision no later than 180 days after the acceptance period closes.

Full text of the rules is available on the Ohio Medical Marijuana Control Program website: medicalmarijuana.ohio.gov/rules.

Next Steps

The Physician Certificate to Recommend Medical Marijuana and Petition for Added Qualifying Condition rule will follow the standard rule development process. After receiving input from the Ohio Medical Marijuana Advisory Committee, the rules will be submitted to the Common Sense Initiative, then the Joint Committee on Agency Rule Review.

The public has the opportunity to comment at several points throughout the rule development process. The first opportunity is December 15, 2017 through 5 p.m. on January 13, 2017. Visit medicalmarijuana.ohio.gov/rules for instructions on how to provide comments.

For more information, visit the Medical Marijuana Control Program website: medicalmarijuana.ohio.gov.